

### REMARKS

Claims 1-8 are pending in the Application.

Claims 1-2 and 6-7 stand rejected.

Claims 3 and 8 are objected to.

Claims 4-5 have been allowed.

#### I. DRAWINGS

The Examiner has continued the objection to the drawings. In response, Applicants have amended the drawings as requested by the Examiner, which is indicated in the attached replacement drawing sheet.

#### II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 6-7 stand rejected under 35 U.S.C. § 103 as being unpatentable over applicants' admission of prior art ("AAPA") and *Akiyama et al.* (U.S. Patent No. 6,463,155). In response, Applicants respectfully traverse these rejections. In combining AAPA with *Akiyama*, the Examiner has asserted that *Akiyama* teaches the step of determining whether a buffer contains a message indicating that a bios image for the data processing system was previously updated in claim 1. Applicants traverse. *Akiyama* has nothing to do with the updating of a bios image, but is instead solely concerned with a broadcast reception device for receiving digital broadcasting. The language cited by the Examiner in column 32, lines 39-44 merely refers to the verification of a digital signature only when a reception device ID exists in the reception contract information. There is nothing within this language or anywhere else within *Akiyama* that refers to a buffer that contains a message indicating that a bios image for a data processing system was previously updated. Moreover, a combination of *Akiyama* and AAPA also does not teach or disclose such a limitation.

Moreover, on page 4 of the Office Action, the Examiner does not even provide any motivation why one skilled in the art would combine AAPA with

*Akiyama*. All the Examiner asserts is that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of AAPA to perform a signature verification process only when needed. The Examiner does not in any way provide any objective evidence why one skilled in the art would be motivated to combine the *Akiyama* teachings with the AAPA teachings.

Yet still further, one skilled in the art at the time the invention was made would not have been motivated to combine the teachings of *Akiyama* with AAPA, since *Akiyama* has nothing to do with updating a bios image and thereafter rebooting an operating system. When looking to modify AAPA, one skilled in the art would not have even been motivated to look at *Akiyama* for a solution.

Claims 6-7 are patentable over the cited prior art as given with respect to claims 1-2.

As a result of the foregoing, Applications respectfully assert that the Examiner has failed to prove a *prima facie* case of obviousness in rejecting claims 1-2 and 6-7, and therefore respectfully assert that all of the claims in the Application are in condition for allowance.

Respectfully submitted,

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